

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LIBERTARIAN PARTY OF ERIE COUNTY,
MICHAEL KUZMA, RICHARD COOPER, GINNY
ROBER, PHILIP M. MAYOR, MICHAEL
REBMANN, EDWARD L. GARRETT, and DAVID
MONGIELO,

Plaintiffs,

- against -

ANDREW M. CUOMO, as Governor of the State of
New York; ERIC T. SCHNEIDERMAN, as Attorney
General of the State of New York; and JOSEPH A.
D'AMICO, as Superintendent of the New York State
Police,

Defendants.

15-cv-00654-FPG

**NOTICE OF GOVERNOR
ANDREW M. CUOMO'S
AND SUPERINTENDENT
JOSEPH A. D'AMICO'S
MOTION TO DISMISS
OR, ALTERNATIVELY,
TO TRANSFER VENUE**

PLEASE TAKE NOTICE that defendants Andrew M. Cuomo, Governor of the State of New York (the "Governor") and Joseph A. D'Amico, Superintendent of the New York State Police (the "Superintendent"), by their attorney Eric T. Schneiderman, Attorney General of the State of New York (the "Attorney General"), will move this Court at the United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be scheduled by the Court, for an order pursuant to Rules 12(b)(1), 12(b)(3), and 12(b)(6) of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 1406(a) and 1404(a), to dismiss plaintiffs' Complaint, dated July 21, 2015, with prejudice, or, alternatively, to transfer this case to the Northern District of New York, and for such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that in support of their motion the Governor and the Superintendent will rely upon (a) the accompanying Memorandum of Law in Support of Governor Andrew M. Cuomo's and Superintendent Joseph A.

D'Amico's Motion to Dismiss the Complaint or, Alternatively to Transfer Venue, dated December 3, 2015; (b) the defendant Attorney General's papers in support of his motion to dismiss or, alternatively, to transfer venue, which are incorporated herein by reference and consist of: (i) the Notice of Attorney General's Motion to Dismiss or, Alternatively to Transfer Venue, dated November 6, 2015 (ECF Docket No. 6); (ii) the Memorandum of Law in Support of the Attorney General's Motion to Dismiss the Complaint or, Alternatively, to Transfer Venue, dated November 6, 2015 (ECF Docket No. 7); and (iii) the Declaration of William J. Taylor, Jr., dated November 6, 2015, and Exhibits A-F thereto (ECF Docket No. 8); and (c) all other papers and proceedings herein.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's endorsed order, dated November 19, 2015 (ECF Docket No. 11), (a) plaintiffs' opposition papers to this motion as well as the Attorney General's motion to dismiss or, alternatively, to transfer venue shall be served and filed on or before December 23, 2015; and (b) defendants' reply papers shall be served and filed on or before January 16, 2016.

Dated: New York, New York
December 3, 2015

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants

By:

/s/William J. Taylor, Jr.
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(Via E.C.F.)